

# HOUSE BILL No. 1262

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-8-8-13.8.

**Synopsis:** 1977 pension fund surviving spouse benefit. Increases from 60% to 75% of the member's monthly benefit the monthly benefit of a surviving spouse of an individual who: (1) is a member of the 1977 police officers' and firefighters' pension and disability fund (1977 fund); and (2) dies other than in the line of duty after June 30, 2016.

**Effective:** July 1, 2016.

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January 11, 2016, read first time and referred to Committee on Employment, Labor and Pensions.

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Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## HOUSE BILL No. 1262

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 36-8-8-13.8, AS AMENDED BY P.L.23-2010,  
2       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2016]: Sec. 13.8. (a) This section applies to an active or  
4       retired member who dies other than in the line of duty (as defined in  
5       section 14.1 of this chapter) after August 31, 1982.

6       (b) If a fund member dies while receiving retirement or disability  
7       benefits, the following apply:

8           (1) Except as otherwise provided in this subsection, each of the  
9           member's surviving children is entitled to a monthly benefit equal  
10          to twenty percent (20%) of the fund member's monthly benefit:

11           (A) until the child becomes eighteen (18) years of age; or

12           (B) until the child becomes twenty-three (23) years of age if  
13           the child is enrolled in and regularly attending a secondary  
14           school or is a full-time student at an accredited college or  
15           university;

16          whichever period is longer. However, if the board finds upon the  
17          submission of satisfactory proof that a child who is at least



1        eighteen (18) years of age is mentally or physically incapacitated,  
 2        is not a ward of the state, and is not receiving a benefit under  
 3        clause (B), the child is entitled to receive an amount each month  
 4        that is equal to the greater of thirty percent (30%) of the monthly  
 5        pay of a first class patrolman or first class firefighter or fifty-five  
 6        percent (55%) of the monthly benefit the deceased member was  
 7        receiving or was entitled to receive on the date of the member's  
 8        death as long as the mental or physical incapacity of the child  
 9        continues. Benefits paid for a child shall be paid to the surviving  
 10       parent as long as the child resides with and is supported by the  
 11       surviving parent. If the surviving parent dies, the benefits shall be  
 12       paid to the legal guardian of the child.

13       **(2) This subdivision applies to the surviving spouse of an**  
 14       **active or retired member who dies before July 1, 2016.** The  
 15       member's surviving spouse is entitled to a monthly benefit equal  
 16       to sixty percent (60%) of the fund member's monthly benefit  
 17       during the spouse's lifetime. If the spouse remarried before  
 18       September 1, 1983, and benefits ceased on the date of remarriage,  
 19       the benefits for the surviving spouse shall be reinstated on July 1,  
 20       1997, and continue during the life of the surviving spouse.

21       **(3) This subdivision applies to the surviving spouse of an**  
 22       **active or retired member who dies after June 30, 2016. The**  
 23       **member's surviving spouse is entitled to a monthly benefit**  
 24       **equal to seventy-five percent (75%) of the fund member's**  
 25       **monthly benefit during the spouse's lifetime.**

26       If a fund member dies while receiving retirement or disability benefits,  
 27       there is no surviving eligible child or spouse, and there is proof  
 28       satisfactory to the local board, subject to review in the manner  
 29       specified in section 13.1(c) of this chapter, that the parent was wholly  
 30       dependent on the fund member, the member's surviving parent is  
 31       entitled, or both surviving parents if qualified are entitled jointly, to  
 32       receive fifty percent (50%) of the fund member's monthly benefit  
 33       during the parent's or parents' lifetime. As used in this subsection, a  
 34       parent is wholly dependent on a fund member if the fund member  
 35       claimed the parent as a dependent on the federal income tax return filed  
 36       by the fund member in the year before the year in which the fund  
 37       member died.

38       (c) Except as otherwise provided in this subsection, if a fund  
 39       member dies while on active duty or while retired and not receiving  
 40       benefits, the member's children and the member's spouse, or the  
 41       member's parent or parents are entitled to receive a monthly benefit  
 42       determined under subsection (b). If the fund member did not have at



- 1 least twenty (20) years of service or was not at least fifty-two (52) years
- 2 of age, the benefit is computed as if the member:
- 3 (1) did have twenty (20) years of service; and
- 4 (2) was fifty-two (52) years of age.

